

AMENDED IN ASSEMBLY APRIL 4, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 581

Introduced by Assembly Member Ammiano

February 20, 2013

An act to amend ~~Section~~ *Sections 1539 and 1569.37* of, and to add ~~Section 1539.5 to,~~ of the Health and Safety Code, relating to ~~residential care care facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 581, as amended, Ammiano. ~~Residential~~ *Community care facilities and residential care facilities for the elderly: retaliation.*

Existing law establishes the State Department of Social Services, and sets forth its powers and duties, including, but not limited to, the licensing and regulation of ~~day care and residential care facilities, as defined, including, but not limited to, adult residential~~ *community care facilities and residential care facilities for the elderly*. Existing law authorizes any person to request an inspection of a facility by transmitting a request to the department alleging a facility violation of applicable law.

Existing law prohibits a licensee from discriminating or retaliating in any manner against any person receiving the services of the facility, or against any employee of the facility, on the basis, or for the reason that, the person or employee or any other person has initiated or participated in an inspection. Existing law makes violation of these provisions a crime.

This bill would, instead, prohibit a ~~adult residential~~ *community care* facility licensee or a residential facility for the elderly licensee, or officer or employee of the licensee, from discriminating or retaliating in any

manner, including, but not limited to, eviction or threat of eviction, against any person receiving the services of the facility, or against any employee of the licensee's facility, on the basis, or for the reason that, the person or employee or any other person has initiated or participated in the filing of a complaint, grievance, or a request for inspection with the department or the local or state ombudsman pursuant to prescribed provisions of law. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1539.5 is added to the Health and Safety~~
2 ~~Code, to read:~~

3 ~~1539.5. No adult residential facility licensee, or any officer or~~
4 ~~employee of the licensee, shall discriminate or retaliate in any~~
5 ~~manner, including, but not limited to, eviction or the threat of~~
6 ~~eviction, against any person receiving the services of the licensee's~~
7 ~~adult residential facility, or against any employee of the licensee's~~
8 ~~facility, on the basis, or for the reason that, the person or employee~~
9 ~~or any other person has initiated or participated in the filing of a~~
10 ~~complaint, grievance, or request for an inspection with the~~
11 ~~department pursuant to this chapter or with the appropriate local~~
12 ~~or state ombudsman.~~

13 ~~SECTION 1. Section 1539 of the Health and Safety Code is~~
14 ~~amended to read:~~

15 ~~1539. No licensee, or officer or employee of the licensee, shall~~
16 ~~discriminate or retaliate in any manner, including, but not limited~~
17 ~~to, eviction or threat of eviction, against any person receiving the~~
18 ~~services of such the licensee's community care facility, or against~~
19 ~~any employee of such the licensee's facility, on the basis, or for~~
20 ~~the reason that, such the person or employee or any other person~~
21 ~~has initiated or participated in an the filing of a complaint,~~
22 ~~grievance, or a request for inspection with the department pursuant~~

1 to ~~Section 1538~~. *this chapter or with the appropriate local or state*
2 *ombudsman.*

3 SEC. 2. Section 1569.37 of the Health and Safety Code is
4 amended to read:

5 1569.37. No licensee, or officer or employee of the licensee,
6 shall discriminate or retaliate in any manner, including, but not
7 limited to, eviction or threat of eviction, against any person
8 receiving the services of the licensee's residential care facility for
9 the elderly, or against any employee of the licensee's facility, on
10 the basis, or for the reason that, the person or employee or any
11 other person has initiated or participated in the filing of a
12 complaint, grievance, or a request for inspection with the
13 department pursuant to this chapter, with the appropriate local
14 ombudsman, or with the state ombudsman recognized pursuant to
15 Chapter 11 (commencing with Section 9700) of Division 8.5 of
16 the Welfare and Institutions Code.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.